

THE
Trial, Conviction
And
CONDEMNATION

OF

Andrew Bromwich and William Atkins,

For being

Romish Priests,

Before the Right Honourable

THE

Lord Chief Justice

SCROGG S,

At Summer Assizes last at *Stafford* held there
for the County of *Stafford*;

Where they received Sentence of Death accordingly.

Together with

The Tryal of *Charles Kern*, at *Hereford* Assizes
last for being a Romish Priest.

LONDON,

Printed for *Robert Pawlett*, at the Bible in *Chancery-lane*, 1679.

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T H T

Trial, Conviction

And

CONDEMNATION

of the late William Atkins

I do appoint *Robert Pawlett* to Print the Try-
als of *Andrew Bromwich*, *William Atkins*
and *Charles Kerne*, and that no other person
presume to Print the same.

THE

WILLIAM SCROGES.

SCROGES

At Summer Assizes last at Staffordshire

for the County of Stafford

that they received sentence of Death accordingly

Together with

The Tryal of *Charles Kerne*, at Hertford Assizes
last for being a R. omish Priest.

LONDON

Printed by Robert Pawlett at the Bible in Church Lane, 1675

T H E

Tryal, Conviction

AND

CONDEMNATION

O F

Andrew Brommich.

Upon Wednesday the 13th. of August 1679. at the Assizes held at Stafford for the said County, Andrew Brommich and William Atkins being both Seminary Priests were brought to their Tryal, and Convicted before the Right Honorable Sr. William Scroggs Knight, Lord Chief Justice of England and one of his Majesties Justices of Assize there.

The Court being sat they proceeded to their Tryal thus.

THE Lord Chief Justice having the night before charged the Sheriff to returne a good Jury, and the Court being sat, he enquired of him if he had observed his directions; The Sheriff acquainted his Lordship that since he had impannelled the said Jury, he had heard that one *Allen* of the said County, being then returned to serve on the said Jury, had said in discourse with some of his fellows, that nothing was done against the Popish Priests above, and therefore he would do nothing against them here, nor find them guilty: whereupon his Lordship called for the said *Allen*, and one *Randal Calongb* one of his fellow Jury men and another witness upon oath who proving the words against him, his Lordship discharged him of the Jury, and committed him to Prison, till he found sureties for his good Behaviour, and

likewise 3 more of the Jury were discharg'd upon suspition of being Popishly affected, his Lordship commanding the Sheriff to return good men in their places, which was accordingly done, and the Jury Sworn, *viz.*

Thomas Higgin,
John Webb,
Edward Ward,
Thomas Marshall,
John Beech,
Randal Calclough,

Richard Trindall,
James Beckett,
William Smyth,
William Pinson,
Daniel Buxton and
Richard Cartwright,

Jurors.

Cl. of Arraign. Gaoler set up Andrew Brommich to the Barr: Cryer make Proclamation.

Cryer. O yes! If any one can inform my Lords the King's Just. the King's Serjeant, the Kings Attorney or this Inquest now to be taken, of any Treasons, murders, felonies or other misdemeanours committed or done by the Prisoner at the Bar, let them come forth and they shall be heard.

Cl. of Arr. Andrew Brommich hold up thy hand, these good men that were lately called and have now appeared, are those which must pass between our Sovereign Lord the King and you upon your life or death: if you will challenge any of them you must speak as they come to the book to be sworn, and before they be sworn. [The prisoner challenging none the Jury was sworn, *ante.*

Cl. of Arr. Gentlemen of the Jury, look upon the prisoner and hearken to his cause. You shall understand that he stands indicted by the name of Andrew Brommich, late of Perry Barr in the County of Stafford Gentleman, for that he being born within the Kingdom of England, the thirteenth day of January in the thirtieth year of the Reign of our Sovereigne Lord King Charles the 2d. by the Grace of God of England, Scotland, France and Ireland King, Defender of the Faith, &c. then being a Seminary Priest made, professed and Ordained by the Authority and Jurisdiction challenged, pretended and derived from the See of Rome, the said thirteenth day of January in the year aforesaid, within this Kingdome of England, *viz.* at Perry Barr aforesaid, in the County aforesaid, Treasonously did come, was and did remain against the form of the Statute in that case made and provided, and against the peace of our Sovereign Lord the King, his Crown and Dignity.

Upon this Indictment he hath been arraigned, and hath pleaded therunto Not Guilty, and for his Tryal hath put himself upon God and his Country, which Country you are: Your charge is to inquire whether he be guilty of the high Treason whereof he stands indicted, or not guilty: If you find him Guilty, you are to inquire what Lands, Goods, or Tenements he had at the time of the Treason committed, or at any time since; If you find him Not guilty, you are to inquire whether he did fly for the same, and what Lands, Goods or Tenements he had at the same time of such flight,

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flight, or at any time since; if you find him not guilty, nor that he did fly for the same, you are to say so and no more, and hear your Evidence.

Cl. of Arr. Cryer, call *Ann Robinson*, who being sworn.

L. Ch. Just. *Ann Robinson*, what can you say against *Andrew Brommich*.

A. Rob. My Lord, I can say that I received the Sacrament of him according to the Church of *Rome* in a wafer.

L. Ch. Just. When? How long ago?

A. Rob. About Christmas last.

L. Ch. Just. What company was there? How many were there in company?

A. Rob. My Lord, I cannot positively tell how many, but I beleive there were about seven or eight.

L. Ch. Just. Did they all receive at the same time?

Ann. Robinson. Yes, my Lord they did all receive at that time.

L. Ch. Just. Are you a Papist? *A. Rob.* No my Lord.

L. Ch. Just. How long were you a Papist?

A. Rob. Several years.

L. Ch. Just. Who first seduc'd you?

A. Rob. My Lord I cannot tell his name.

Lord Chief Justice. Did you ever receive the Sacrament according to their way of *Mr. Brommich* before the time you speak of? *A. Rob.* Yes.

L. Ch. Just. How often?

A. Rob. Four times, my Lord, twice at *Mr. Birch's*, and twice at *Mr. Purfall's*.

L. Ch. Just. How came you to give her the Sacrament? (to the prisoner.)

Pris. My Lord I never did.

L. Ch. Just. Why, she has sworn you gave it her several times, once in particular at Christmas last, and 4 times more, twice at *Mr. Birch's*, and twice at *Mr. Purfall's*.

Pris. My Lord, I cannot help it. I desire your Lordship will take notice of one thing, that I have taken the Oaths of Allegiance and Supremacy, and have not refus'd any thing which might testifie my Loyalty.

L. Ch. Just. That will not serve your turn, you Priests have tricks to evade that.

Pris. Besides my Lord, I never absconded.

L. Ch. Just. You never absconded, what is that to giving the woman the Sacrament several times?

Pris. My Lord I desire she may prove it.

L. Ch. Just. She does so.

Pris. My Lord I humbly conceive it was no Sacrament unless I were a Priest.

L. Ch. Just. What an argument is that? You expect we should prove you a Priest by witnesses, which saw you take orders, but we know so much of your Religion, that none undertake to give the Sacrament in a wafer, or say Mass, but a Priest: and you gave the Sacrament to that woman in a wafer, therefore you are a Priest.

Cl. Arr. Cryer, Call another witness, swear *Jeoffery Robinson*.

L. Ch. Just. What can you say to Mr. *Brommich*?

Jeoff. Rob. I can say nothing against him.

L. Ch. Just. Did you ever hear him say Mass?

Jeoff. Rob. I cannot tell; I have heard him say something in an unknown tongue, but I know not what it was.

L. Ch. Just. Was it Latin that he said.

Jeoff. Rob. I cannot tell, I am no scholar.

L. Ch. Just. Had he a Surplice on?

Jeoff. Rob. Yes my Lord he had.

L. Ch. Just. *Robinson*, are you a Papist?

Jeoff. Rob. Yes my Lord.

L. Ch. Just. I thought so, it is so hard to get the truth out of you.

Cl. Ar. Cryer, swear *Jane Robinson*.

L. Ch. Just. Come what can you say? Did you ever see *Brommich* give the Sacrament?

Jane Rob. Not to my knowledge.

L. Ch. Just. Did you ever hear him say Mass?

Jane Rob. I never saw him doe any thing; for I only went up and said my prayers, I took no notice of any thing.

L. Ch. Just. Did you not see *Brommich* there?

Jane Rob. I cannot tell.

L. Ch. Just. Why, don't you know him?

Jane Rob. No my Lord.

L. Ch. Just. Your husband knows him. You *Jeoffery Robinson*, do not you know Mr. *Brommich*?

Jef. Rob. Not I, my Lord.

L. Ch. Just. That's right like a Papist, did you not but just now say you heard him say something in an unknown tongue, and saw him in a Surplice, and yet now you do not know him? you have no more Conscience than what your Priests allow you. But though your Priests can perswade you to take false Oathes, I would not have you think they can protect you from the punishment due to them here or hereafter.

An. Rob. My Lord, they both took the Sacrament with me at the same time from him.

L. Ch. Just. Look you there, was ever the like impudence seen, come friend, consider you are upon your Oath, and do not

not bring your self into the snare of a Pillory. Come *Robinson*, I ask you by the Oath you have taken, did you receive the Sacrament with *An. Robinson* at the time she speaks of at *Mr. Pursall's*?

Jeoff. Rob. Yes my Lord.

Lord Chief Just. How hard is the truth to be gotten out of you. But within this Country, which abounds so with Priests and swarms with Papists, that you get Popery here like the Itch; if they but rub upon you, you ketch it.

Jane Rob. My Lord, he's a weak man.

L. Ch. Just. Who gave it you.

Jef. Rob. I do not know.

L. Ch. Just. He'll say no more then his wife and Priest will give him leave.

L. Ch. Just. Look you Gentlemen of the Jury, here are 2 Papists that are witnesses, you are to consider how far they tell the truth, and how far they conceal it, how they tell their tale so as to serve a turn: for here you see the man said at first he heard him say somewhat in an unknown tongue, and that he saw him in a Surplice, after that he denies he knows him, but now you see by this woman the truth is come out, he hath confess't and own'd he received the Sacrament at *Pursall's* with her. We cannot expect more positive evidence from such people, Come read the Statute.

Anno 27 *Elix.* cap. 2.

Whereas divers persons, called or professed Jesuit, Seminary Priests, and other Priests, which have been, and from time to time are made in the parts beyond the Seas, by or according to the Order and rites of the Romish Church, have of late comen and been sent, and daily do come and are sent into this Realm of England and other the Queens Majesties Dominions, of purpose (as it hath appeared) as well by sundry of their owne examinations and Confessions, as divers other manifest means and proofs, not onely to withdraw her Highnesses Subjects from their due obedience to her Majestie, but also to stir up and move sedition, rebellion and open hostility within the same her Highness Realms and Dominions to the great indangering of the safety of her most Royal person, and to the utter ruine, desolation and overthrow of the whole Realm, if the same be not the sooner by some good means foresan and prevented.

For reformat whereof be it ordained, established and enacted by the Queens most excellent Majestie, and the Lords Spirituall and Temporal, and the Commons in this present Parliament assembled,

bled, and by the Authority of the same Parliament, That all and every Jesuits, Seminary Priests, and other Priests whatsoever, made or Ordained out of the Realm of England or other her Highness Dominions, or within any of her Majesties Realms or Dominions, by any Authority, power or Jurisdiction, derived, challenged, or pretended from the See of Rome since the feast of the Nativity of St. John Baptist, in the first year of her Highness Reign, shall within forty days next after the end of this present Session of Parliament depart out of this Realm of England, and out of all other her Highness Realms and Dominions, if the wind, weather, and passage shall serve for the same, or else so soon after the end of the said forty days as the wind, weather and passage shall so serve.

And be it further enacted by the Authority aforesaid, That it shall not be lawfull to, or for any Jesuit, Seminary Priest, or other such Priest, Deacon, or Religious, or Ecclesiasticall person whatsoever, being born within this Realm, or any other her Highness Dominions, and heretofore since the said feast of the Nativity of St. John Baptist in the first year of her Majesties Reigne made, ordained or professe or hereafter to be made, ordained or professed by any Authority or Jurisdiction derived, challenged or pretended from the See of Rome, by, or of what name, title or degree soever the same shall be called or known to come into, be, or remaine in any part of this Realm or any other her Highness Dominions, after the end of the same forty days other then in such special cases, and upon such speciall occasions only, and for such time only as is expressed in this Act. And if he do, that then every such offence shall be taken and adjudged to be High Treason, and every person so offending shall for his offence be adjudged a Traytor and shall suffer losse, and forfeit as in case of High Treason.

And every person which after the end of the same forty days, and after such time of departure as is before limited and appointed, shall wittingly and willingly receive, relieve, comfort, aid or maintain any such Jesuit, Seminary Priest, or other Priest, Deacon or Religious, or Ecclesiasticall person as is aforesaid, being at liberty, or out of hold, knowing him to be a Jesuit, Seminary Priest, or other such Priest, Deacon or Religious, or Ecclesiasticall person as is aforesaid, shall also for such offence be adjudged a Felon without benefit of Clergy, and suffer death, losse, and forfeit, as in case of one attainted of Felony.

L. Ch. Just. Come what have you more to say?

Prisoner. I desire that there may be notice taken what *Robinson* and his said wife said upon their Examinations before the Justice of Peace.

L. Ch. Just.

L. Ch. J. We are to take notice only of what they say here.

Pris. My Lord, they said here they did not know me.

L. Ch. Jus. No, did not *Robinson* say he heard you say something in an unknown tongue, that he then saw you in a Surplice? did we talk of any one but you? Come Jesuit, with your learning, you shall not think to baffle us: I have of late had occasion to converse with your most learned Priests, and never yet saw one that had either Learning or Honesty.

L. Ch. J. Have you any Witnesses? have you any more to say?

Pris. No.

L. Ch. J. Then Gentlemen of the Jury, the question you are to try, is whether *Andrew Brommich* be a Popish Priest or not: To prove that he is, here is a woman, one *Anne Robinson*, that swears she received the Sacrament of him in a Wafer once at *Christmas* last, and twice at Mr. *Birch's*, and twice at Mr. *Pursals*, and that he gave it to several others at the same time. There needs not much to persuade you that he who gives the Sacrament is a Priest, for in their Church they allow no one but a Priest to give the Sacrament, so there is one express evidence against him: And now I must satisfy you in one thing, that you are to give a Verdict not that he is a Priest, but that you believe him in your Conscience upon the whole Evidence, to be a Priest. To make you do this here is one Positive Evidence.

The other man, when I came to examine him whether he ever heard the Prisoner say Mass; he answered, that he heard him say something in an unknown tongue, and that he was in a Surplice. This is as much as we could expect from one of their own Religion, who dare say no more than their Priests will give them leave to do. So Gentlemen I must leave it to you, whether or no you will not believe the Testimony of this real positive Witness, and the circumstantial Evidence of the other man: For you see in what dangers we are, I leave it upon your Consciences whether you will let Priests escape who are the very pests and dangers of Church and State; you had better be rid of one Priest than three Felons, so Gentlemen, I leave it to you.

The Jury having staid some time, returned to the Court to give their verdict.

Cl. Arr. Gentlemen of the Jury, have you agreed on your Verdict? *Jury*, Yes.

Cl. Arr. Who shall say it for you? *Jury*, the Foreman.

Cl. Arr. Goaler, set up *Andrew Brommich* to the Bar.

Gentlemen, do you find *Andrew Brommich* Guilty of the High Treason he hath been Arraigned of, or not Guilty. *Jury*, Guilty.

L. Ch. J. Gentlemen, you have found a good Verdict, and if I had been one of you, I should have found the same my self.

Upon Wednesday the thirteenth of August, 1679. At the Assizes held at Stafford, for the County of Stafford; William Atkins was brought to his Tryal for being a Seminary Priest, before the Right Honourable Sir William Scroggs, Knight, Lord Chief Justice.

THe Court proceeded to his Tryal in like manner as in the former, there being the same Jury.

Cl. Arr. Goaler, set up *William Atkins* to the Bar.

Cryer, make Proclamation.

Cl. Arr. Gentlemen of the Jury, Look on the Prisoner and hearken to his Cause. You shall understand that he stands indicted by the Name of *William Atkins* late of *Wolverhampton* in the County of *Stafford*, Gent. for that he being born within the Kingdom of *England*, the fifth day of *December*, in the thirtieth year of the Reign of our Sovereign Lord King *Charles* the Second, by the Grace of God of *England*, *Scotland*, *France*, and *Ireland* King, Defender of the Faith, &c. Then being a Seminary Priest; made, professed, and ordained by the Authority and Jurisdiction challenged, pretended, and derived from the See of *Rome*; the said fifth day of *December* in the year aforesaid within this Kingdom of *England*, viz. at *Wolverhampton* aforesaid in the County aforesaid, Traiterously did come, was, and did remain against the form of the Statute in that case made and provided; and against the peace of our Sovereign Lord the King, his Crown and Dignity.

Upon this Indictment he hath been Arraigned, and thereunto pleaded not guilty; and for his Tryal he hath put himself upon God and his Country, which Country you are. Your Charge is to enquire whether he be guilty of the High Treason whereof he stands indicted or not guilty: If you find him guilty, you are to enquire what Lands, Goods, or Tenements he had at the time of the High Treason committed, or at any time since; if you find not guilty, you are to enquire whether he did flee for the same: If you find he did flee for the same, you are to enquire what Lands, Goods, or Tenements he had at the time of such flight, or at any time since; if you find him not guilty nor that he did flee for the same, you are to say so and no more, and hear your Evidence.

Cl. Arr. *Cryer*, call the Witnesses; call *William Jackson*, *Francis Wilden*, *Fo. Farvis*, &c. Swear *Jackson*, which was done.

L. Ch. J. Come Friend, what can you say concerning *Atkins* the Prisoner being a Priest?

Jack. My Lord, I can say nothing at all, I was there when he was apprehended, and bound over to prosecute him.

Cl. Arr. *Cryer*, Swear *Francis Wilden*, which was done.

L. Ch. J. What can you say concerning *Atkins* being a Priest?

W. My

W. My Lord, I have seen him at prayers.

L. Ch. f. Was he in a Surplice then? *W.* Yes my Lord.

L. Ch. f. Did you ever see him say Mass? *W.* I cannot tell.

L. Ch. f. In what language were his prayers?

W. In an unknown Tongue.

L. Ch. f. Were they in Latin?

W. I cannot tell, my Lord, I am not a Scholar good enough to know.

L. Ch. f. Are you a Papist?

W. I have been a Protestant since Christmas.

L. Ch. f. 'Tis the Principle of a Protestant to tell down right truth, and the Principle of a Papist is to Equivocate; come speak truth and your Conscience will be lighter: Did you ever see *Atkins* deliver the Sacrament in a Wafer, according to the manner and way of the Church of *Rome*?

W. My Lord, I never received it of him my self, but I have seen him give it to others.

L. Ch. f. Where? *W.* At Mrs. *Stanfords*, at *Wolverhampton*.

L. Ch. f. To how many? *W.* To seven or eight at a time.

L. Ch. f. Was he in a Surplice then? *W.* Yes my Lord.

L. Ch. f. I do not know whether the Prisoner can hear what the Witness says, 'tis fit he should know: The Prisoner being told, he replied he knew not the Witness.

Cl. Arr. Swear *Fohn Farvis*,

Cryer, My Lord, he refuseth to be sworn.

L. Ch. f. *Farvis*, why will you not be sworn?

Fer. My Lord, I was troubled with a Vision the last night.

L. Ch. f. You mistake Friend, Old Men Dream Dreams, 'tis Young Men see Visions, and you are an Old Man: Speak the truth, and i'll warrant you, you will not be troubled with Visions any more, this is a trick of the Priests. Swear him *Cryer*, which was done.

L. Ch. f. Come *Farvis*, what can you say?

Far. My Lord, he is a man that hath relieved me and my Children oftentimes when I was in want.

L. Ch. f. Did you ever hear him say Mass?

Far. My Lord, I am an ignorant man; I cannot tell: I have heard him say somewhat in an unknown Tongue.

L. Ch. f. Did you ever Confess to him? *Far.* Yes, my Lord, I did.

L. Ch. f. Did you ever receive the Sacrament of him according to the manner of the Church of *Rome*?

Far. Yes my Lord I have, I must speak the truth.

L. Ch. f. How often? *Far.* A great many times.

L. Ch. f. And had he not his Priests habit on when he gave it you?

Far. Yes my Lord, he had.

Cl. Arr. *Cryer*, call *Foan Wright*, who was called but did not appear. Call *Henry Brown*, who appeared and was sworn.

L. Ch. f. Come Mr. *Brown*, what can you say against the Prisoner? Did you ever receive the Sacrament of him, or hear him say Mass?

Br. My Lord, I was almost turned from the Protestant Religion to that of the Church of *Rome*; but I never went further than Con-

feſſion, and that was to this man, and then I left them.

L. Ch. J. Indeed you were the wiſer.

Cl. Arr. Cryer, call *Tho. Dudley* who was ſworn.

L. Ch. J. What can you ſay againſt the Priſoner?

Dud. I was a little given that way, and have been at Confeſſion with one *Atkins*, and have ſeen him perform ſeveral Rites of the Church of *Rome* at *Well head*, at *Ham*.

L. Ch. J. Do you believe this to be the man? *Dud.* Yes my Lord I do.

L. Ch. J. Have you any more to ſay! *Dud.* No my Lord.

L. Ch. J. Read the Statute. Which was done. Have you Witneſſes *Atkins*, or any thing to ſay for your ſelf? *P.* No my Lord.

L. Ch. J. Look you Gentlemen of the Jury, Here is as full and as poſitive an Evidence as can be againſt the Priſoner: The two firſt Witneſſes, *Wilden* and *Farvis*, are poſitive. *Wilden* ſwears he heard him ſay his Prayers in an unknown Tongue; and further ſays, that he gave the Sacrament to ſeven or eight according to the manner of the Church of *Rome* in a Waſer, at Mrs. *Stamford's* Houſe in *Wolverhampton*. *Farvis* the other Witneſs, ſwears that he hath been at Confeſſion with him, and hath oftentimes received the Sacrament of him. Here are two other honeſt men, that ſpeak very full as to Circumſtances; ſo that in the whole you cannot have a more clear Evidence: And Gentlemen, I muſt tell you, it is to theſe ſorts of men we owe all the troubles and hazards we are in, the fear of the Kings Life, the Subverſion of our Government, and the loſs of our Religion. It is notorious by what they have done, that they are departed from the meekneſs and ſimplicity of Chriſts Doctrine, and would bring in a Religion of Blood and Tyranny amongſt us. As if God almighty were ſome Omnipotent Miſchief, that delighted and would be ſerved with the Sacrifices of humane blood. I need not ſay more to you, the matter's plain; I think you need not ſtir from the Bar, but do as you will.

The Jury having conſidered of the Evidence ſome time, gave in their Verdict.

Cl. Arr. Gentlemen of the Jury are you agreed of your Verdict?

Fury, yes. *Cl. Arr.* Who ſhall ſay for you? *Fury*, The Foreman.

Cl. Arr. Goaler, ſet up *William Atkins*, (which was done.) Gentlemen of the Jury look on the Priſoner, What ſay you, Is he guilty of the High Treafon whereof he ſtands indicted, or not guilty?

Fury, Guilty. *Cl. Arr.* What Lands, Goods, or Tenements had he? *Fury*, None to our knowledge.

Cl. Arr. Look to him Goaler, he is found guilty of High Treafon.

The Sentence. You the Priſoners at the Bar ſhall be conveyed from hence to the Place from whence you came, and from thence that you be drawn to the Place of Execution upon Hurdles, that there you be ſeverally hanged by the Neck, that you be cut down alive, that your Privy Members be cut off and your Bowels taken out and burnt in your view; that your Heads be ſevered from your Bodies, that your Bodies be divided into Quarters, and thoſe Quarters be diſpoſed at the Kings Pleaſure: And the God of infinite mercy be merciful to your Souls. On

On Monday the fourth day of August, at Hereford; Charles Kerne was brought to the Bar, and being Arraigned, he pleaded not Guilty to the Indictment: Then the Court (after the usual formalities performed) proceeded to the Tryal of him, as followeth.

Ct. Arr. **G**entlemen of the Jury, Look upon the Prisoner and hearken to his Cause: You shall understand that he stands Indicted by the Name of *Charles Kerne*, late of the Parish of *Webly* in the County of *Hereford*, Gent. For that he being born within the Kingdom of *England*, the twenty ninth day of *April* in the thirty first year of the Reign of our Sovereign Lord King *Charles the Second*, by the Grace of God, of *England, Scotland, France, and Ireland*, King, Defender of the Faith, &c. Then being a Seminary Priest, made, professed, and ordained by the Authority and Jurisdiction challenged, pretended, and derived from the *See of Rome*, the said twenty ninth day of *April* in the year aforesaid, within this Kingdom of *England*, (*viz.*) at *Webly* aforesaid in the County aforesaid, Traiterously did come, was, and did remain against the form of the Statute in that case made and provided, and against the Peace of our Sovereign Lord the King, his Crown and Dignity.

Upon this Indictment he hath been Arraigned, and thereunto Pleased Not Guilty; and for his Tryal hath put himself upon God and his Country, which Country you are. Your charge is to enquire whether he be Guilty of the High Treason whereof he stands indicted or not Guilty: If you find him Guilty, you are to enquire what Lands, Goods, or Tenements he had at the time of the Treason Committed, or at any time since; if you find him not Guilty, you are to enquire whether he did flee for the same: If you find he did flee for the same, you are to enquire what Lands, Tenements, or Goods, he had at the time of such flight, or at any time since; if you find him not Guilty, nor that he did flee for the same, you are to say so and no more, and hear your Evidence.

Ct. Arr. Call *Edward Biddolph*, who was sworn.

J. Ch. F. Give the Jury Pen, Ink, and Paper.

J. Ch. F. *Biddolph*, do you know Mr. *Kerne*?

Bid. I do not know him now: I did know such a man about six years ago, I have seen him once or twice at Mr. *Somersets* at *Bollingham* about six years ago.

J. Ch. F. How long is't ago since you saw him last? *Bid.* About a year.

J. Ch. F. Had you any discourse with him? *Bid.* No, I never had any.

J. Ch. F. Look on the Prisoner, can you say that is the man?

Bid. No my Lord, I cannot.

J. Ch. F. Can you say you ever saw or knew him? *Bid.* I cannot.

J. Ch. F. Set him down. Call another Witness.

Ct. Arr. Swear *Margaret Edwards*, which was done.

J. Ch. F. Do you know Mr. *Kerne*? *Edwards.* Yes, my Lord, I do.

J. Ch. F. How long have you known him? *Edwards.* Five or six years.

J. Ch. F. Where did you know him?

Edwards. At *Sarnsfield*, at Mrs. *Monington's*.

J. Ch. F. Were you a Servant there?

D

Edwards. No,

Edwards. No, I went thither about business.

L. Ch. F. Where did you first see him?

Edwards. At Mr. *Wigmore's* of *Luton*.

L. Ch. F. Had you any discourse with him there? *Edwards.* No.

L. Ch. F. How came you to see him at Mrs. *Monington's*?

Edwards. My Lord, one *James Harris's* Wife being very sick, I was desired by him to go to Mrs. *Anne Monington* to seek some Remedy for her: He desired me the rather, for that she being a Papist, and I of the same Religion; he believed for that reason she would be the more kind to her.

L. Ch. F. Were you a Papist then? *Edwards.* Yes my Lord.

L. Ch. F. Well, what said Mrs. *Monington* to you?

Edwards. My Lord, she told me she was glad that they had sent me, for that she did not care to discourse the distempers of a Woman to a Man.

L. Ch. F. Well go on.

Edwards. My Lord, after she had discoursed to me concerning the sick woman, she desired me to go with her, which I did; and she brought me into the Chappel, where I saw Mr. *Kerne* in his Robes.

L. Ch. F. Were there any more in the Room besides him?

Edwards. Yes, my Lord, four or five: He was in his Robes and Surplice, and was at the Altar, and gave the Sacrament to the rest, but I did not receive it.

L. Ch. F. What did you see him do?

Edwards. I saw him give the Sacrament.

L. Ch. F. What did he say?

Edwards. He said *Corpus Christi*, or some such words.

L. Ch. F. Did you see him deliver the Wafers? *Edwards.* Yes my Lord.

L. Ch. F. To how many? *Edwards.* To four.

L. Ch. F. You swear positively to four: Did they Confess to him?

Edwards. Yes I believe they did.

L. Ch. F. Did you ever see him since?

Edwards. No my Lord, I never saw him between that and this.

L. Ch. F. Did you ever receive the Sacrament before, and of whom?

Edwards. Yes I received several times: The first time was of Mr. *Duffres*, next of Mr. *Kemble*, then of Mr. *Rovenhill*, Mr. *Standish*, Mr. *Morgan*, Mr. *Trindal*; I have received from Mr. *Draycot* at Mr. *Berrington's*, I have received at Mr. *Blounts*, but the last time was from Mr. *Fennings* at Mr. *Wigmore's* House.

Pris. My Lord, I desire she may be askt whether she came to Mrs. *Monington's* of her own accord, or was sent for Physick? *Edw.* I was sent.

P. Did the Man send you or his Wife? *Edwards.* The Man.

P. Have a care what you say, *Harris's* Wife is here to trapan you.

L. Ch. F. Give good words, you begin to Triumph too soon. Woman, was it *Harris* or his Wife sent you?

Edwards. It was *Harris* himself that desired me to go, because I might have more favour, being a Papist.

P. Where did that *Harris* live? *Edwards.* At *Lempster*.

P. I am satisfied, 'twas a mistake, I thought it had been *Harris* of *Luton* she had meant.

L. Ch. F. Will you ask her any thing else?

P. I desire to know the time when she saw me at Mrs. *Monington's*.

Edwards. It was in last May was Twelvemonth, the twenty ninth day to

to the best of my memory.

L. Ch. J. Do you take it to be certain, or do you believe it only that it was that day?

Edwards. My Lord, I am certain it was that very day, for the woman died that day, and that day is writ on the Gravestone.

P. I desire to know of her whether she was ever askt upon her Oath, whether she was ever at Mrs. *Monington's* since that time.

Edwards. I was not there since, nor ever askt the question to the best of my knowledge.

L. Ch. J. What a question is that?

P. 'Tis very remarkable, for she was askt by a Jury-man last Assizes, it was not upon the Tryal, but before the Grand Jury, and she denied then that she was ever at Mrs. *Monington's* in her life.

Edwards. I have been there above twenty times.

P. Call *Roger Hyet.*

L. Ch. J. By, and by your defence will be proper, in the mean time, what will you ask her more?

P. I desire to ask her what discourse she had with *Mary Jones*, the other Witness, for she has been instructing her what to say; and that they may be examined asunder, (which was granted.)

L. Ch. J. What discourse had you with the other woman?

Edwards. My Lord, She told me that she had never in all her life been before a Judge, or Justice of Peace, and that she was afraid of coming before one, for she did not know how to behave her self.

L. Ch. J. Did you tell her what she should say? *Edw.* No my Lord.

L. Ch. J. What did you say to her?

Edwards. I told her that she would hear her Name call'd, and then she must answer, and I bid her have a care that she spoke what she knew, and no more or less than the truth.

L. Ch. J. Did she tell you what she could say? *Edwards.* She did.

L. Ch. J. What? *Edwards.* That she lived at Mr. *Somerset's* where Mr. *Kerne* usually was, and that several people used to come thither and go up stairs into the Chamber; and she went once to hearken, and she heard Mr. *Kerne* say something in Latin, which she said was *Mafs*.

P. Here is a material question to ask this Witness.

I desire to know where this woman saw me first.

Edwards. At Mr. *Wigmore's* of *Lucton*, as they told me it was him, for I did not know his Name.

P. I would know if the man she saw at Mrs. *Monington's*, was the same Person she saw at *Lucton*? *Edwards.* To the best of my knowledge it was.

P. I never was at *Lucton* in all my life.

L. Ch. J. Call the other woman, you shall now see how these women agree. *Ch. Arr.* Call *Mary Jones*. Cryer, swear her, (which was done.)

P. I desire they may be examin'd apart.

L. Ch. J. Let the other woman go out.

L. Ch. J. When was the first time you saw *Margaret Edwards*?

Jones. Yesterday, and again to day.

L. Ch. J. Did she tell you and instruct you what you should say against the Prisoner? *Jones.* No my Lord.

L. Ch. J. Did you tell her what you could say against him? *Jones.* No.

L. Ch. J. Did not you tell her that you lived at Mr. *Somerset's*, and that several people used to come thither and go up stairs into the Chamber, and that once you went up to hearken, and heard Mr. *Kerne* say *Mafs*?

Jones. She did say so to me, but I did not answer her any thing.

L. Ch. F. Did she ask where you saw Mr. Kerne? Jones. Yes.

L. Ch. F. Where, at *Bollingham*?

Jones. I did tell her that I saw him at *Bollingham*, and that I heard him say somewhat aloud, I think it was Latin.

L. Ch. F. How you answer? I askt you but just now, whether you told her that you saw Mr. Kerne at Mr. *Somerset's* House, and that you went up to hearken, and heard him say somewhat in Latin? And you then said you did not, and now you say you did.

Jones. She spoke to me first about it, and I did but answer.

L. Ch. F. What did she ask you what you could say against Mr. Kerne?

Jones. Yes. L. Ch. F. And what did you tell her you could say?

Jones. I told her, that one Sunday morning several people came to *Bollingham* out of the Town and out of the Country, and went up after him, and he said somewhat aloud that I did not understand.

L. Ch. F. Did you not tell *Margaret Edwards* that you heard him say Mafs?

Jones. No my Lord.

L. Ch. F. Call *Margaret Edwards* again. *Margaret Edwards*, Did *Mary Jones* tell you that she heard Mr. Kerne say Mafs?

Edwards. Yes my Lord.

L. Ch. F. Now, *Mary Jones*, what say you? Did not you tell her that you heard the Prisoner say Mafs?

Jones. No, I am sure I did not, for I never heard the word before, nor do not know what it means.

L. Ch. F. The one Witness says she did not name Mafs; for she did not understand what it was; the other says she did, so they contradict one another in that.

L. Ch. F. *Mary Jones*, when did you see Mr. Kerne?

Jones. Seven or eight years ago.

L. Ch. F. Where?

Jones. At Mr. *Somerset's* at *Bollingham*, he lived there half a year.

L. Ch. F. What did you see him do?

Jones. One Sunday morning I was busie a washing the Rooms, and I saw several people follow him into the Chamber.

L. Ch. F. Did you see him do any thing?

Jones. No, I heard him say somewhat aloud which I did not understand.

L. Ch. F. How neer were you to him?

Jones. There was only a wall between.

L. Ch. F. Did you ever see him give a Wafer, Marry, or Christen?

Jones. No my Lord, there was a Child Christned in the House.

L. Ch. F. Who Christned it? Jones. I cannot tell. There was no one there but my Master and Mistribs, Mr. *Latchet* and his Wife, and Mr. *Kerne*: I was in the next Room, and I heard words spoken by the voice of Mr. *Kerne*.

L. Ch. F. What can you say more? Jones. I wash'd a Surplice.

L. Ch. F. Whose was it, the Prisoners?

Jones. I cannot tell, because I did not see it on his back.

P. How could you know a voice?

Jones. Very easily, there was but a Wall between.

P. Was there no Room between? Jones. No, there was not.

L. Ch. F. The Woman speaks sensibly, if you have done asking questions,

questions, you had best call your Witnesses.

Pris. Call Mr. Hyet. *L. Ch. J.* Mr. Hyet, you cannot be sworn, but you must speak the truth as much as if you were: Well, what can you say?

Hyet. I askt *Margaret Edwards* if she had been at Mrs. *Monington's*: she said she had; I askt her if she knew Mr. *Kerne*? She said she did not.

L. Ch. J. Was she upon her Oath when you askt her this?

Hyet. No my Lord.

L. Ch. J. Have you any more Witnesses? *Pris.* Call Mr. *Wetston's* Maid.

L. Ch. J. What can you say?

West. M. I saw those two women talking together, and that woman instructed the other what she should say.

L. Ch. J. What say you to this? *Edw. and Jones.* My Lord, we did not,

L. Ch. J. Look you, they both deny it on their Oaths.

L. Ch. J. How often between the first time and the twenty ninth of May was Twelvemonth, did you see Mr. *Kerne*?

Edwards. Twice or thrice in *Weobly*.

L. Ch. J. What can you say for your self? *Pris.* My Lord, I am very happy that I receive my Tryal before your Lordship.

L. Ch. J. Come, setting aside your Apologies, tell what you have to say; if you have any more witnesses, call them.

Pris. My Lord, here are several Witnesses who will prove that that woman was never at Mrs. *Monington's*.

L. Ch. J. That's very improbable; but call whom you will.

Pris. My Lord, here's Mrs. *Monington*, the Person she pretends shew'd her up, will swear she never saw the woman in her life; and upon my Salvation I never saw either of them before.

L. Ch. J. Mrs. *Monington*, the Law will not allow you to be sworn, but I presume that a Person of your Quality will speak the truth, as much as if you were upon your Oath. Do you know *Margaret Edwards*?

Mrs. Mon. My Lord, I do not.

L. Ch. J. Woman, tell Mrs. *Monington* from whom you came.

Edwards. I came from *James Harris* of *Lempster*.

L. Ch. J. Mrs. *Monington*, do you know *James Harris* of *Lempster*?

Mrs. Mon. My Lord, I do not.

L. Ch. J. Do you remember that about May was Twelvemonth this woman came to you for Physick for a woman that was sick?

Mrs. Mon. A great many people come to me on that errand, so that it is impossible for me to remember any particular person.

L. Ch. J. Did you ever take up that woman to hear Mals?

Mrs. Mon. That I am sure I did not, for I never took up any Stranger in my life. *L. Ch. J.* Did Mrs. *Mon.* know you by Face or by Name?

Edwards. I had been at the house several times, but this time I was carried up to Mrs. *Monington* by *Mary Lewis* her Maid: Mrs. *Monington* told me that she was very glad that I was sent, for she said she would not give the man so just an account because he was a man.

L. Ch. J. Mrs. *Mon.* do you remember this? *Mrs. Mon.* This is frequent.

Edwards. Then she told me that I must put a Plaister of *Diapalma* to the womans back, and give her a drink of Malt with Raisins, &c.

Mrs. Mon. As for the Plaister, 'tis possibly I may prescribe it, but the Drink is no Receipt of mine.

Edwards. My Lord, the maid when I came in, was making a Cheese in the Dairy, and I askt for Mrs. *Monington*, and she told me she was within, and straightway brought me up to her: Mrs. *Monington* in a little time fell into discourse with me about Religion; and understanding what I was, desired me to go into the Chamber with her.

L. Ch. J. What kind of Chappel was it?

Edwards. I will give an account of it as well as I can remember: When we came up stairs, we turn'd in at a door on the right hand. the Altar stood just before the door; it was richly adorn'd, the Altar-Cloth was white, and a fine Crucifix on the Altar.

Mrs. Mon. What were the Cushions of?

Edwards. As I remember they were Needle-work.

L. Ch. J. What was the Chappel adorn'd with? *Edwards.* With a-bundance of pictures: I think the window was on the left hand of the Altar.

Mrs. Mon. She has fail'd in the first description, for we go not off the Stairs into the Chappel, as she says; neither is it adorn'd in the manner as she says it is, nor is there any Needle-work.

Here is a maid that I deliver all my medicines to, that perhaps can give a better account whether this woman were at my house, than I can.

L. Ch. J. Call the maid. You wait on Mrs. *Monington*, did you ever see that woman? *Maid.* No.

L. Ch. J. I'll shew you how you shall remember her: She came to Mrs. *Monington* on the behalf of one *Harris's* wife, and askt if she were within, and you carried her to your Mistress.

Edwards. My Lord, I was there several times besides this, for I carried the Child Mr. *Thomas Monington* thither several times.

L. Ch. J. Do you remember this? *Mrs. Mon.* I do not remember that she ever brought the Child to me, but another.

Edw. My Lord, I always lay with him, and tended him, and carried him abroad. *L. Ch. J.* If you have any thing more to say, speak. What say you for your self?

Pris. I hope your Lordship will sum up the Evidence.

L. Ch. J. That I will: I will tell the Jury all I can remember on both sides; I will not shed innocent blood, neither will I help the Guilty; for I, by the duty of my place, am Counsel for the Prisoner in all things fit and legal. *Pris.* I desire the Statute may be read.

L. Ch. J. Let it be read. What Statute do you mean, that of 27 *Eliz*?

Pris. Yes my Lord. Then the Statute was read.

Pris. Now Gentlemen, I desire you to take into consideration whether my Blood shall be drawn by the Evidence of a woman, that says she saw me give a Wafer; or on that Evidence of the other, who says she heard me read she knows not what through a wall: My Lord, it is an oppression that Statutes should be construed otherwise than they are intended. I hope my Lord, that the Statute will not take hold of a man for saying Mass, for many say Masses that are not in order.

L. Ch. J. It is one of the greatest Evidence to prove a man to be a Priest that can be, for we cannot think of bringing witnesses who saw you take Orders: Do any say Mass but Priests? Is it lawful for any one but a Priest to say Mass?

Pris. That of Bread and Wine they do not, but the other they do.

L. Ch. J. Do any Bury or Christen but Priests?

Pris.

Pris. Yes they do *in extremis*; and, my Lord, I do acknowledge that Tread Prayers sometimes, and sometimes others did it.

And I desire your Lordship and the Jury will take notice, that I have taken the Oaths of Allegiance and Supremacy.

L. Ch. J. Is that all you have to say? *Pris.* Yes, my Lord.

L. Ch. J. Then Gentlemen of the Jury, The matter you are to try is, whether *Charles Kerne* the Prisoner at the Bar, be a Popish Priest: An Englishman I suppose he does not deny himself to be; the question is then if he be a Romish Priest? If so, he is guilty of High Treason by the Statute of 27 of *Eliz.* This was a Law made for the preservation of the Queen, for the preservation of our Religion, and for the preservation of all Protestants. The Witnesses are *Margaret Edwards* and *Mary Jones*: *Margaret* says, the first time that she saw the Prisoner was at Mr. *Wigmore's*, who told her it was Mr. *Kerne*; and she says that she hath seen him several times since; twice or thrice at *Weobley*, and the last time was the twenty ninth of May was Twelvemonth at Mrs. *Monington's*, where she saw him deliver the Wafer, which is the Sacrament, to four persons that were there, but she her self did not receive it; and then she gives you an account of the reason of her coming then to Mrs. *Monington's*, which was at the request of one *Harris* whose Wife was sick; to seek some Remedy from Mrs. *Monington* for the sick woman: She tells you how the maid brought her up to her Mistress, how she acquainted her with her errand; what advice Mrs. *Monington* gave her for the sick woman; and how that Mrs. *Monington* understanding what Religion she was of, took her into the Chappel, whereof she gives you a description. 'Tis very probable she may go on such an Errand, and yet Mrs. *Monington* not know her; but Mrs. *Monington* cannot positively say, but believes she was never there: Mr. *Kerne*, I suppose, will not deny but that he who gives the Wafer is a Priest. *Pris.* There is blessed Bread which others may give.

L. Ch. J. When you give such Bread, do you not say *Accipe Corpus Christi*?

Pris. We use no such words. (But it appeared upon his own repeating of the Latin words they used upon the giving the Sacrament, that those were part of the words.)

L. Ch. J. The Prisoner made an offer to prove some disagreement between the Witnesses; 'tis true, they did differ in some small things, as the saying the word *Mafs*, but from hence can no great matter be infer'd against the Evidence; so here is one positive Evidence.

There must indeed be two Witnesses; now the question will be about the second woman's Testimony: She says she knew Mr. *Kerne* about eight years ago, when she lived at Mr. *Somersets*, and that Mr. *Kerne* lived in the house about half a year: She tells you that she hath seen several persons come thither, and amongst the rest she says, that one Sunday morning several Persons came thither and went up with Mr. *Kerne*, and that she was so curious as to hearken, and did hear Mr. *Kerne* say something in an unknown Tongue: *Kerne* objects that she could not know it was his voice, but for that, I think men are easily distinguished by their voices, but that I must leave to your consideration.

But now the main question will be, what it was she heard him say? Mr. *Kerne* says that in times of straitness, Persons that are not Priests may read Prayers, and so perhaps he may be then Reading the Collects.

But then again: She says there was a Child Christned in the House,

and no one there but *Mr. Somerset* and his Wife, *Mr. Latchet* and his Wife, and *Mr. Kerne*, to do it: She did not see him Christen it, and 'tis true likewise what he says, that in their Church they allow others, as Midwives, to Christen *in extremis*; not that he confesses he did Christen.

L. Ch. J. Call *Mary Jones* again. *Mary Jones*, was it a sickly Child?

Jones. No, my Lord.

L. Ch. J. Then that is answered: So that if you believe that he did Christen the Child, there are two Witnesses against him: I must leave it with you as a tender point on both sides; I would not shed innocent Blood, neither would I willingly let a Popish Priest escape: There is one positive Witness, and if you believe upon the womans hearing his voice, that he did say *Mafs*, or did Christen, for I must confess she says she did not see him Christen, then you must find him Guilty: So I leave it to you upon the whole matter.

The Jury return'd and were call'd over. William Barret, &c.

Cl. Arr. Goaler, Set up *Charles Kerne*.

Gentlemen, Are you Agreed of your Verdict? *Jury*. Yes.

Cl. Who shall say for you? *Jury*. The Foreman.

Cl. Look upon the Prisoner: What say you, Is *Charles Kerne* Guilty of the High Treason whereof he stands Indicted, or Not Guilty?

Foreman, Not Guilty.

F I N I S.

There is lately Printed The Lord Chief Justice *Scroggs* his Speech, in the *King's Bench*, the first day of this *Michaelmas Term*, 1679. Occasioned by the many Libellous Pamphlets which are Published against Law, to the scandal of the Government and Publick Justice.

Together with what was declared at the same time on the same Occasion, in open Court, by Mr. Justice *Jones*, and Mr. Justice *Dolbin*. Sold by *Robert Pawlett* at the Bible in *Chancery Lane*.